

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

RONALD E. HOUSTON, et al.)
)
Plaintiffs,)
)
vs.)
)
URS CORPORATION, et al.,)
)
Defendants.)
)
)

**Civil Action No. 1:P08cv0203
(LO/JFA)**

DECLARATION OF PLAINTIFF RONALD E. HOUSTON IN SUPPORT OF PLAINTIFFS' RESPONSE TO DEFENDANTS DEWBERRY & DAVIS and PARTNERSHIP FOR RESPONSE AND RECOVERY'S OPPOSITION TO PLAINTIFFS' MOTION TO CERTIFY COLLECTIVE ACTION PURSUANT TO FEDERAL LABOR STANDARDS ACT §216(b)

I, RONALD HOUSTON, declare and state as follows:

1. I am an adult and a plaintiff in the above-entitled action and have personal knowledge of the facts set forth herein and could and would competently testify to said facts if called upon to do so. I declare under penalty of perjury under the laws of the United States that the contents of this Declaration are true and correct.

2. Within the past three years I have been employed by Partnership for Response and Recovery (PaRR) as a federal disaster housing inspector. I have recently

reviewed my PaRR employment records (made available through the PaRR online computer website) and have confirmed that I performed housing inspections for **PaRR** beginning in late 2002 or early 2003 (Disaster Code 1434), continuing until July 2006 (Disaster Code 1650). Attached as Exhibit 1 to this Declaration are my PaRR inspection records (which were obtained from PaRR's computer website). The records show that I performed over 6,000 inspections for PaRR. Attached as Exhibit 2 to this Declaration is my November 3, 2002 Certification of Completion/Disaster Housing Inspection Training/PaRR. Prior to working for PaRR, I worked as a federal disaster housing inspector for Parsons Brinckerhoff/Alltech. Attached as Exhibits 3 and 4 are my Certificates of Completion for "Successful Completion of FEMA/PB Disaster Housing Field Inspection Orientation" October 4-5, 1995, and, "Successful Completion of Alltech Disaster Housing Advance Inspector Training." Attached hereto as Exhibit 5 is a copy of my PaRR inspection badge.

3. For both PaRR and PB/Alltech, it was my job to report to federally declared disaster sites and conduct numerous housing inspections. Like all PaRR and PB/Alltech disaster inspectors, I was designated by PaRR and PB/Alltech as an independent contractor and paid per inspection. Within the last three years, and throughout my employment with both PaRR and PB/Alltech, I regularly worked many hours over eight hours per day, and I regularly worked many hours over 40 hours per week. I was never paid any overtime compensation.

4. As a federal disaster housing inspector working for both PaRR and PB/Alltech, I was required to conduct my inspections in strict compliance with certain Federal Emergency Management Agency (FEMA) policies, procedures and guidelines which were made known to me through employer training and instruction, and through the employer website. For both PaRR and PB/Alltech, I was given a hand-held computer by my employer loaded with special inspection software called NEMIS (National Emergency Management Information System). Basically, following the FEMA disaster site-specific guidelines provided to me by my employer (which were essentially an information-gathering checklist), I filled in the blanks as required by the software (recording victim information and the damage and losses I observed). I would then electronically transfer the completed information to my employer PaRR for review. All inspectors were required to follow the same procedure for conducting inspections. The general fill-in-the-blanks damage and loss recording procedure did not change from one disaster site to another. Inspections were rejected by the employer if they were not performed in strict compliance with the guidelines as called for by the NEMIS software program and FEMA guidelines provided by the employer.

5. Attached hereto as Exhibits 6 and 7 are the PaRR Inspection Manual and the PaRR/FEMA Inspection Guidelines (which are part of the Inspector Manual). These documents outline the requirements for conducting federal disaster housing inspections for PaRR. Attached as Exhibits 8 and 9 are the PB/Alltech "FEMA Inspector Orientation

Manual” and “FEMA Inspector Reference Manual.” Again, these documents outline the requirements for conducting federal disaster housing inspections for PB/Alltech.

6. After I stopped working for PaRR (due to a medical disability), I received a notification from the United States Internal Revenue Service informing me that the IRS had made a determination that federal disaster housing inspectors were employees for federal tax purposes, and, that I owed Federal Insurance Contribution Act (FICA) taxes not paid by PaRR. (See Exhibit 3 to Declaration of Richard P. Kinnan in support of Motion for Order Certifying the Case as a collective action.)

7. I have chosen to file suit against PaRR for misclassifying me as an independent contractor rather than an employee and denying me my right to overtime compensation under the Fair Labor Standards Act. I have further chosen to serve as a representative plaintiff on behalf of all my fellow federal disaster housing inspectors who did the exact same job as me and were similarly denied rightful overtime compensation under the Federal Labor Standards Act.

Executed on June 26, 2008 at 1:40 pm - Los Angeles, CA.


RONALD E. HOUSTON

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CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of June, 2008, I will electronically file the foregoing Declaration of Plaintiff Ronald E. Houston in Support of Plaintiffs' Response to Defendants' Opposition to Motion Certifying the Case as a Collective Action Under the Fair Labor Standards Act, 29 U.S.C. 216(b) with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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And I hereby certify that I will mail the foregoing Declaration of Plaintiff Ronald

Houston by U.S. Mail to the following non-filing users:

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